

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 \* \* \*

4 UNITED STATES OF AMERICA,

5 Plaintiff,

6 v.

7 JOHNSTON BLACKHORSE,

8 Defendant.  
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Case No. 2:14-cr-00340-APG-PAL

**ORDER DIRECTING THE CLERK OF  
COURT TO FILE DEFENDANT'S  
MOTION UNDER 28 U.S.C. § 2255 AND  
ORDERING A RESPONSE FROM THE  
GOVERNMENT**

11 On September 16, 2016, defendant Johnston Blackhorse filed a document stating that he  
12 had previously filed a motion under 28 U.S.C. § 2255 on June 23, 2016, but no response had been  
13 ordered yet. He attached his motion, which appears to show a stamp from this court. ECF No. 46  
14 at 2. The docket does not reflect any filing in this case on June 23, 2016. It is unclear why this  
15 document was not entered on the docket. However, a search of the clerk's office's day file  
16 discovered the filing and it will be docketed as filed as of June 23, 2016.

17 IT IS THEREFORE ORDERED that the United States shall file a response to the motion,  
18 if it has any, no later than November 4, 2016. Defendant may file a reply in support of the motion  
19 within 30 days after the Government files its response.

20 DATED this 4<sup>th</sup> day of October, 2016.

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22 ANDREW P. GORDON  
23 UNITED STATES DISTRICT JUDGE  
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